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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,568	09/05/2003	Hagane Irikura	026390-00010	6433

4372 7590 02/07/2007  
ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

EXAMINER
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WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/655,568

Applicant(s)

IRIKURA ET AL.

Examiner

Ana L. Woodward

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on July 20, 2006, November 8, 2006
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2 and 5-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 7 and 11 is/are allowed.
- 6) ☒ Claim(s) 2, 5, 6, 8-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s)        is/are objected to.
- 8) ☐ Claim(s)        are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on        is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No.       .
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date
- ☐ Notice of Informal Patent Application
- ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of the polyimide species in the reply filed on November 8, 2006 is acknowledged.

### *Claim Rejections - 35 USC § 112*

2. Claims 2, 5, 6, 8-10 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 5, 8 and 12, the Markush group language formats, as presently recited, are improper.

In claims 6 and 9, the use of the objectionable term "general" renders the claimed subject matter indefinite.

In claims 6 and 9, the depicted structural units are indefinite in that the subscript "n" is not defined.

In claims 6 and 9, no antecedent basis is seen for "copolymers" as it would appear that the base claim, by virtue of the "consisting of" language, is limited to homopolymers of the diaminobenzoic acid and the reactive monomer. The polymer per claim 1 *consists of* the reaction product of a single diaminobenzoic acid and a single reactive monomer, that is, no mixtures of diaminobenzoic acids or mixtures of the diaminobenzoic acid with another aromatic or aliphatic diamine or mixtures of reactive monomers is apparent.

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In claims 6 and 9, it is unclear what other structural unit(s) the recited "copolymers" are to comprise when the Ar' moiety in the depicted structural units represent the diaminobenzoic acid.

***Response to Amendment***

3. Applicant's amendments filed July 20, 2006 have effectively overcome the previous art rejection over the JP '370 reference.

***Allowable Subject Matter***

4. The prior art of record neither anticipates nor renders obvious the vapor deposition-polymerization reaction product of a diaminobenzoic acid monomer and a monomer reactive therewith or an antibacterial polymer derived from a diaminobenzoic acid monomer and a monomer reactive therewith.

5. Claims 1, 7 and 11 are allowed.

6. Claims 2, 5, 6, 8-10 and 12-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

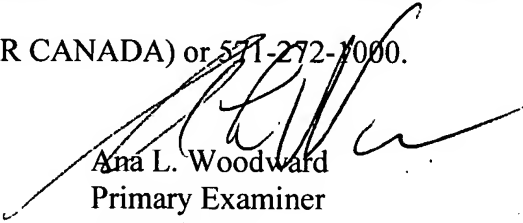
***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ana L. Woodward  
Primary Examiner  
Art Unit 1711

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